IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3122 of 2007()

CRIME NO.82/2007 OF BADIADKA POLICE STATION

PETITIONER/3RD ACCUSED

K.VISWANATHA, AGED 27 YEARS,
S/O KANNA BELICHAPPADA,
RESIDING AT KODAR, PERDALA POST,
BADIADKA VILLAGE, KASARGOD TALUK,
KASARGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS: STATE

THE STATION HOUSE OFFICER,
BADIADKA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No.3122 OF 2007

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DATED: 29-05-2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the accused in Crime No.82/2007 of Badiadka Police station for an offence punishable under section 8(2) of the Abkari Act for allegedly having been found in possession of 100 litres of Karnataka arrack seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed, bearing in mind the decision in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

With the above observation this Application is disposed of.

V.RAMKUMAR,JUDGE

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